



DAVID MILLER.

"Murder in the Second Degree"

Verdict of the Jury was Rendered Wednesday Evening at 7:15.

David Miller, of Sandy Ridge, was on trial in the Centre county courts Tuesday and Wednesday of this week, indicted for shooting his son-in-law, Robert Roach, on the evening of July 21, 1902, near Sandy Ridge, in Rush township, this county. Wednesday afternoon the jury retired at 4:35 o'clock and after deliberating two hours and forty-five minutes arrived at a verdict, which was announced by the ringing of the court house bell. In five minutes the building was thronged to the doors by an anxious throng. His Honor Judge Love soon appeared, while the prisoner was ushered into the room by Sheriff Brungart, and took his place by the side of one of his counsel, E. R. Chambers, Esq. Court was formally opened and for a few minutes the jury hesitated in coming from the room. Budd Thompson, foreman, handed over the sealed verdict to the Court which the Prothonotary read aloud, you find David Miller "Guilty of murder in the second degree," to which all assented. The prisoner's face brightened considerably from agonizing suspense; he seemed pleased with the result. Court immediately adjourned.

TRAGEDY REVIEWED.

At the time of the shooting a complete account was published in this paper. In this connection we give a brief summary of the affray so as to refresh the mind as you read the following complete report of the trial.

David Miller is a man aged 62 years. Robert Roach, aged 35, was his son-in-law. They had always, so far as is known, lived peacefully together—their homes being situated on the same lot. On Monday morning, July 21, Mrs. Roach went to Osceola. Her husband went there also. During the day he drank heavily at the hotels and in the evening walked home while his wife returned in the train. He came to the house soon after Mrs. Miller's return and started to quarrel with her—following her up stairs where, it is claimed, he struck her. She called to her son-in-law, Roach, to defend her. He came to her assistance and, laying hold of the old man, downed him. When they came down into the yard the quarrel was resumed, and Mr. Roach knocked or threw the old man down and then left—the old man threatening to shoot him. Miller got his gun—a Winchester rifle—and fired a shot in the air but not at Roach. Roach went to his house and got his revolver and started for the woods to avoid Miller. Miller went out into the road in front of his house and waited for Roach to make his appearance, which he did 125 yards up the road, whereupon Miller raised his rifle and fired—sending a ball tearing through his body from the results of which he died six hours after. Miller was brought to Belleville by J. J. Coffee, arriving here on the 9:25 train from Tyrone the next morning and landed in jail where he was confined up to this time.

ON TRIAL TUESDAY.

This case failed to attract as much public attention as some former murder trials in our courts for the reason that all the principal facts were known and admitted. At the top of the page we are able to print an excellent halftone portrait of the prisoner, which we were able to secure through the assistance of E. R. Chambers, and W. F. Reeder, his counsel, and by permission of Sheriff Brungart.

Samuel Everhart, farmer, College township; accepted.
Emanuel Musser, gentleman, Haines township; accepted.
J. B. Kishel, merchant, Gregg township; challenged by defendant.
J. B. Mayes, marble cutter, College township; challenged by commonwealth.
D. W. Clark, blacksmith, Liberty township; challenged for cause.
Fred Kemmerer, farmer, Benner township; challenged by commonwealth.
Jonathan E. Miller, miller, Belleville; challenged by commonwealth.
Augustus Witherite, farmer, Union township; accepted.
George F. Musser, agent, Belleville; excused by the Court.
J. H. Weaver, farmer, Walker township; challenged by defendant.
W. C. Smeltzer, teacher, Spring township; accepted.
J. P. Sebring, farmer, Haltmoon Twp.; challenged by commonwealth.
Joseph Grossman, farmer, Potter township; challenged by defendant.
Jacob Heverly, laborer, Rush township; challenged by the defendant.
Adam Erie, farmer, Gregg township; challenged by the commonwealth.
Charles Mensch, printer, Belleville; challenged by commonwealth.
Robert Kremer, laborer, Milesburg; challenged by defendant.
Samuel Shoop, laborer, Liberty township; challenged by commonwealth.
Samuel Sikes, mine boss, Philipsburg; excused by the Court.
Michael Heaton, farmer, Boggs township; challenged by commonwealth.
Thomas Boal, farmer, Patton township; challenged by commonwealth.
H. V. Hile, plasterer, Spring township; challenged by defendant.
Alfred Witherite, farmer, Boggs township; challenged by commonwealth.
Edward Williams, teacher, Harris township; challenged by defendant.
At this point the panel was exhausted and the sheriff directed to call talesman.
V. J. Baurer, merchant, Belleville; accepted.
E. M. Boone, farmer, Haines township; challenged by defendant.
J. W. Musser, merchant, Millheim; challenged by defendant.
George Garbrick, gentleman, Belleville; accepted.

JURY AS SELECTED.

Budd Thompson, farmer, Huston Twp.
William C. Martin, farmer, Spring
Howard Goss, farmer, Spring
Nathan Dale, agent, Spring
A. C. Williams, farmer, Spring
James Ross, Jr., farmer, Harris
Samuel Everhart, farmer, College
Emanuel Musser, gentleman, Harris
Augustus Witherite, farmer, Union
W. C. Smeltzer, teacher, Spring
V. J. Baurer, merchant, Belleville
George Garbrick, gentleman, Belleville

TUESDAY AFTERNOON.

Court was called at 1:30. The prisoner appeared at his counsel's table, apparently none the worse for his four months' confinement in the county jail. He is a stocky-built man of some sixty with gray beard and mustache. He has not the appearance of a bad man, but his receding forehead, heavy jaw and firm lips indicate a determined spirit that does not bear trifling with.

Prosecuting attorney Spangler opened the case in an address to the jury which comprehended the principal points the commonwealth intended to prove in the case, which was in substance a statement of the facts as published in this paper at the time of the tragedy.

Wilson Roach was the first witness called. Live in Osceola. Know David Miller. Robert A. Roach was my son. He was aged 35 years and 2 months at time of his death. He was married to Flora Miller, daughter of defendant, about 14 years ago. Has six children—three living. He was killed by a gunshot wound on July 21st. I saw my son lying in the road on the day of the tragedy. I talked with him, also spoke to David Miller at his house, who said, "I have shot your son Bob, and damn you, if you step in here I will shoot you too." My son was conscious to the last. He knew he was going to die. He asked his brother and Mr. Gibson to pray for case, which was published in this paper at the time of the tragedy. Where the wounded man lay. Miller said: "Bob, how do you feel?" and he replied, "Mr. Miller, I did not deserve this," to which Miller replied, "You are a G—d—liar." Robert Roach, the victim, was a coal miner and owned the property where he lived.

I saw my son after 6 o'clock. When I saw Miller I said: "What have you done, you old reprobate?" to which he replied: "I shot Bob, and d—n you, I'll shoot you too if you step in here." He was standing in his own yard. He had done nothing to me except his shooting of my son. I sent J. J. Coffee to arrest him, who had him in charge then. Don't know the exact time when shooting occurred. Robert lay in the road and was then carried into his own house. When he called my son a liar, I called him a d—d old scoundrel, but did not say I would shoot him if I had something to do it with.

FLORA ROACH, widow of Robert Roach called. Our oldest living child is nine years and youngest 7 months. My husband's death was caused by a shot fired by my father. Was in my kitchen when it happened. Mother went away in the morning of the tragedy. Father came home Monday morning. Father and mother had trouble when father came home. Heard a noise and went over. When I got there I saw my husband and my father in the hall up stairs. Saw my husband holding the old man down by the neck. My husband said, "I am coming home. I am not hurting the old man." When they came down stairs the old man said: "Now, Robert, you have taken advantage of an old man up stairs, now do it down here." Then they commenced to fight and fell in the grass. We then went home. While standing in the kitchen some one told Robert the old man was going to shoot him, to which he replied that "if he can shoot I can shoot too," and got his revolver. He coaxed him to go out or the old man would shoot him and he went. He was out about five minutes when a shot was fired, and in

ten minutes another. I saw my father between the two shots. I told him to go home and not shoot Robert and he said he would kill him. He had his gun with him. He went home from there. Never saw my husband from the time he left the house until he was shot. Father did not say in my presence that he would shoot Robert if it took him six weeks to do it.

When Bob went up stairs to get his revolver I closed the door but he broke it open and came down, after which he started to the woods. I cannot say that father had been drinking. I took hold of father up in the hall, and told my husband to go home. When he came down my husband was standing at the corner of the shanty where the second tussel took place.

ALICE MILLER, sworn. I live at Edendale. Am a niece of David Miller and make my home with him. Mr. Miller came home on the morning of the tragedy, and was very drunk—staggering up the boardwalk. When Mrs. Miller and I came home from Osceola where we had gone Mr. Miller was not at home, but when he came home in the evening a quarrel started and Mrs. Wm. Miller, the defendant's son's wife told Roach to go up stairs. He went and the fight took place. After Bob had his revolver he said if the old man come too close to him he would shoot back.

Mrs. MINNIE MILLER sworn—Live at Osceola. Am married to a son of the defendant. Was at Miller's house when the tragedy occurred. Soon after her arrival home she went up stairs and Mr. Miller called to Robert Roach to come and defend her. I called to Robert to go and when he came up stairs he said, "David, what does this mean?" to which Miller replied: "I will allow no man to interfere in my house," and struck Mr. Roach on the breast. After the fight in the yard, Mr. Miller came over to Roach's house and told him that he had been beaten drunk but that he was sober now and could fight him fair. Miller had his gun with him and when Robert saw it he went up and got his revolver. After Miller had fired the shot he went over to his house and then went out in the road. I heard Mrs. Roach beg of Miller to go home and let her husband alone as she had trouble enough to which he replied, "G—d—you, I'll kill him before night."

I heard Mrs. Miller calling to Robert to come as her husband was killing her. He was sitting on the porch and did not move until I went over and begged of him for God's sake to go and help her or he would kill her. He then got up and went over to where the fight took place. After the fight Mrs. Miller went over onto Mr. Roach's garret to hide from her husband.

CORDELIA GARDNER sworn: Live at Edendale. Defendant is an uncle of mine by marriage. Was at Mr. Miller's house on the evening of the tragedy, but left the house when he came home. I did not hear what was going on upstairs for I had left the house. Did not see the quarrel between the men but heard the shots fired. I heard Mrs. Miller calling to Robert Roach only once. Don't know what she said. I did not see Mr. Miller strike his wife on the stairs. I saw that Mr. Miller was awful drunk in the morning but could not say that he was in that condition in the evening.

Mrs. JERRE DIXON sworn. Live at Edendale, neighbor of David Miller. Was home on the day of the tragedy, and saw Miller immediately after the first shot was fired. I saw Robert Roach standing in the grove and said "My God Robert, what is this going on?" He said "don't go that way, you'll get shot." I spoke to Miller and asked him to give me the gun and fight Robert fair. "No," he replied, "I'll shoot the d—d—of a b—if I have to pierce his heart through a window." Soon the second shot was fired and I saw Robert fall. I called to him "Are you shot?" and he shook his head. I then again asked him and he said, "Yes, get me some water."

HENRY WETZEL, sworn. Am a surveyor. Made draft of Roach and Miller's properties. Draft exhibited and explained, which showed that the distance between Miller and Roach was 375 feet at the time Roach was shot.

THOMAS MAHER sworn. Live at Osceola and saw David Miller standing on the township road on the evening of the tragedy, about six o'clock, resting the barrel of his gun on a stump. I said "What is the matter, David?" He said, "I'll kill him, Bob Roach, the s—of a b—if it's six weeks now." He was watching in the direction of Mr. Roach. Then he exclaimed "There is the s—of a b—" and called out, "Look out Bob, your going to get it," took deliberate aim and fired. Mr. Roach fell. I went up to Roach and learned that he was shot and then started for a doctor. Roach was going away from Miller when he was shot.

MAZIE HEFFERAN sworn: Am Mr. Miller's nearest neighbor. Heard the shooting but did not see it. Met Mr. Miller after the shooting and after seeing Mr. Roach. Miller asked me, "How is that man?" I was crying, and said: "He's dying," to which he replied, "Let him die."

J. J. COFFEY sworn: Live at Osceola. Took David Miller into custody the day of the shooting, about 7 o'clock p. m. and brought him to Belleville the next morning via Tyrone. In leaving we passed where Roach was lying. Roach said: "You ought not to have done this," to which Miller replied, "you oughtn't to have kicked my ribs." "I didn't," replied Roach, whereupon Miller said, "You're a liar," or "a d—d liar."

WILLIAM ROACH called, but was excused on account of age—being only nine years old.

JAMES DIXON sworn: Testimony unimportant.

PATRICK ROONEY sworn: Lived near Robert Roach's at time of tragedy. Heard one shot—the one that killed Roach. Went down the road and met Mr. Miller who said: "I'm going to shoot the s—of a b—Bob Roach if it takes me six weeks to do it."

VALENTINE STONEBREAKER sworn: Lived at Edendale at time of tragedy. Saw Mr. Miller about 6 o'clock in the evening. He was talking with Mrs. Roach and Mrs. Gibson, and said to Mrs. Roach "I will kill your husband, the Irish s—of a b—if it takes six weeks to do it." I saw Roach fall when he was shot. Was the first one to approach him after he was hurt.

DR. F. B. READSWORN: Live at Osceola and knew Robert Roach in his life and was called about six o'clock in the evening of July 21st and found him lying on the roadside near his house. He was struck in his hip bone—the ball passing through his body and coming out near the naval line. This wound was the cause of his death. The ball passed through the hip bone and through the highly organized portion of the large bowel.

Court adjourned at 5:12 till Wednesday morning at 8:30.

WEDNESDAY MORNING.

Court convened at 8:30 o'clock and the hearing of the evidence on the part of the Commonwealth was continued.

MICHAEL HEFFERAN sworn: Live at Edendale. Saw David Miller on the evening after the shooting. Went out to hear what the children were crying about on the road. Miller came up to me on the road. I told him that was a bad case. He said he only shot to scare him. He said, "I am a man of nerve. I said I would shoot and I did shoot."

With this evidence the Commonwealth rested and the defense opened. E. R. Chambers opened with an address to the jury, outlining the course of defense. One of the principal points touched on was the evidence that the defendant had been exceedingly drunk on the morning of the day when the tragedy occurred. He did not attempt to deny that David Miller had shot Robert Roach, but argued in mitigation of the crime that he was drunk and did it in the heat of passion, and that there was no malice in the act but a deed committed which, under the law, could not be interpreted as murder in the first degree.

The first witness called on the part of the defense was Mrs. Alice Miller.

THANKSGIVING.

Thanksgiving Day! Your voices raise To God on high in hymns of praise. The fruitful yield Of vine and field Has brightened all our earthly ways. Give thanks to God who rules on high For welcome rain and sunny sky. For peace and love Praise God above, And all His mercies glorify! Thanksgiving Day! Praise God and sing Till every vale and hill shall ring. Thanksgiving Day! From work apart Let mankind come. From field and mart Let anthems rise To pierce the skies To prove the thanks within each heart. Give thanks to God for mercies shown, And kneel today before His throne. For peace and joy Without alloy The loving Father's kingship own. Thanksgiving Day! Let every voice Show how our grateful hearts rejoice. Thanksgiving Day! Forget not those Who know naught save life's bitter woes, Be not delayed— Give them the aid That brother unto brother owes. Lift up the brother bowed by care, Divide your blessings everywhere; The highest boon For fallen man Who needs the help that you may share. Thanksgiving Day! Give from your store To aid the hungry, sick and poor. Thanksgiving Day! From distant wide Let loved ones come to sit beside The festive board. Whose joys afford Long hours of love what'er betide. Give thanks to God for earthly ties; For love that beams in shining eyes. Sing songs of praise Until your lays Are echoed back from vaulted skies. Then at God's throne kneel down and pray Your homage this Thanksgiving Day! —Will M. Maupin.

FACT, FUN AND FANCY.

Bright Sparkling Paragraphs—Selected and Original.

RELATED ANSWERS.

She said: "The play seemed tiresome," And paused for a reply. I said: "No time hangs heavy If you are only by." That is, I said it later; I couldn't think of it then. I was ready for her another time. But she never said it again.

"The good, the true, the beautiful," She said, "I dearly prize." "And they are always with you," I said with beaming eyes. That is, I should have said it if I hadn't been too slow. As it was, I only thought it out An hour or two ago.

"May I sit by you?" asked Phyllis. Quoth I: "The pleasure's mine." I said it after she got out. Two stations down the line. Send me beaming next heaven. Some speed of wit, I pray. That I may think of fit replies Upon the selfsame day! —Portland Oregonian.

All barbers have cut-rates. Still waters run from the distillery. Procrastination is a word that carries wait.

For every disease there are a dozen patent medicines. The happiest people are those who are easily flattered. A good thing will bear repeating, provided it isn't a vote.

The office that seeks the man is generally the one in which there are no fees. In a walking match the winner comes in ahead, and yet he comes in a foot. Birds of a feather flock together, especially when they are jail birds.

When a man asks you for your honest opinion you sometimes have to lie to him, or lose his friendship. All men make mistakes, but what the typewriter girl doesn't write. Often a shoemaker's first resort is his last.

Girls who would buy titled husbands must have legal tender hearts. Nods of the congregation don't always express approval of the sermon. A man is not in a calm condition when he finds it impossible to raise the wind.

It's a wise clerk who laughs at the proprietor's fool jokes. It is easy to have the patience of Job when the boils are on some other fellow. One of two things always happens regarding a habit. You either master it or it masters you.

The lady (?) who yesterday called the attention of another to our patched breeches, whereat both laughed so heartily, is informed that a new pair will be purchased when her husband's bill is settled. It has been due nearly a year. Don't criticise a printer's dress too closely while you are wearing silk with money due us. Tell your husband to send us \$40.78 and save the cost of a law suit. We need another pair of pants.—Exchange.

Sweet Words.

A sentimental editor out in Kansas asks, "Are there any sweeter words in the English language than 'I love you'?" Perhaps not, but the words "Here's that dollar I owe you on subscription" are not lacking in delightful enunciation to the ear of a newspaperman.—Raymond (Ill.) Independent.